

House Bill 666 (AS PASSED HOUSE AND SENATE)

By: Representatives Crawford of the 127th, Knight of the 126th, Sellier of the 136th, and Cole of the 125th

A BILL TO BE ENTITLED
AN ACT

1 To create the Joint Board of Elections and Registration of Lamar County, which shall
2 conduct primaries and elections for Lamar County, the City of Barnesville, and the City of
3 Milner; to provide for its powers and duties; to provide for definitions; to provide for the
4 composition of the board and the selection and appointment of members; to provide for the
5 qualification, terms, and removal of members; to provide for oaths and privileges; to provide
6 for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and
7 to provide for the transfer of functions to the newly created board; to provide for certain
8 expenditures of public funds; to provide for certain personnel; to provide for compensation
9 of members of the board and personnel; to provide for offices and equipment; to provide for
10 the board's performance of certain functions and duties for certain municipalities; to provide
11 for related matters; to provide effective dates; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-45 of the O.C.G.A., there is created the
16 Joint Board of Elections and Registration of Lamar County, hereinafter referred to as "the
17 board." The board shall have the powers, duties, and responsibilities of the judge of the
18 probate court of Lamar County, the municipal election superintendents of the City of
19 Barnesville and the City of Milner, and the board of registrars of Lamar County, all as
20 provided for under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

21 **SECTION 2.**

22 The terms "election," "elector," "political party," "primary," and "public office" shall have
23 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
24 Election Code," unless otherwise clearly apparent from the context of this Act, and the term

1 "commissioners" means the board of commissioners of Lamar County and "county" means
2 Lamar County.

3 **SECTION 3.**

4 (a) The board shall be composed of five members who shall be appointed as follows:

5 (1) Two members of the board shall be appointed by the governing authority of Lamar
6 County. Said members shall not be officers or members of the executive committee of any
7 political party at the time of such members' selection or at any time during such members'
8 term of office as a member of the board;

9 (2) One member of the board shall be jointly appointed by the governing authority of the
10 City of Barnesville and governing authority of the City of Milner. Said member shall not
11 be an officer or member of the executive committee of any political party at the time of
12 such member's selection or at any time during such member's term of office as a member
13 of the board; and

14 (3) One member of the board shall be appointed by the political party which received the
15 highest number of votes within the county for its candidate for Governor in the general
16 election immediately preceding the appointment of such member and one member of the
17 board shall be appointed by the political party which received the second highest number
18 of votes within the county for its candidate for Governor in the general election
19 immediately preceding the appointment of such member. Each of the respective members
20 appointed by political parties shall be nominated by the party chairperson and ratified by
21 the county executive committee of the respective political party at least 30 days before the
22 beginning of the term of office or within 30 days after the creation of a vacancy in the
23 office. In the event that a political party entitled to appoint a member of the board does not
24 have a county executive committee, such appointment shall be made by the state executive
25 committee of such political party.

26 (b) All appointments to the board shall be promptly certified by the appointing authority to
27 the clerk of the Superior Court of Lamar County.

28 (c) The initial appointees to the board shall take office on January 1, 2008. The two initial
29 appointees from the political parties shall each serve a term of office ending on June 30,
30 2009, and until his or her successor is duly appointed and qualified. The other three initial
31 appointees shall each serve a term of office ending on June 30, 2011, and until his or her
32 successor is duly appointed and qualified. Successors to each member shall thereafter be
33 appointed by the appropriate appointing authority or authorities to serve a term of office of
34 four years and until his or her respective successor is duly appointed and qualified.

SECTION 4.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Lamar County and, if appointed pursuant to paragraph (2) of subsection (a) of Section 3 of this Act, must be a resident of the City of Barnesville or the City of Milner, and must have been registered voters in Lamar County for a period of at least one year prior to the date of their appointment to the board.

SECTION 5.

The appointing authorities shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court not later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 6.

Each member of the board shall be eligible to serve two full four-year terms of office, shall have the right to resign at any time by giving written notice of such resignation to the governing authority of Lamar County or the City of Barnesville and the City of Milner, as appropriate, and to the clerk of the superior court, and shall be subject to removal from the board by the chief judge of the Superior Court of Lamar County at any time, for cause, after notice and hearing.

SECTION 7.

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the authority which appointed the member whose position has been vacated shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, elect a chairperson, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. Any specially called meeting shall be called by the chairperson or any member of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

(c) The board shall be responsible for the holding of any municipal primary or election to be conducted within the City of Barnesville and the City of Milner and the cost of such shall be paid for from the funds of such cities, as appropriate.

SECTION 10.

The board shall have the authority to contract with any municipality, other than the City of Barnesville and the City of Milner, located within Lamar County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

(a) The board shall appoint a person to serve as the supervisor of elections of Lamar County. Such position shall be full time and such person shall be paid a salary to be set by the board and payable proportionally from county funds and from funds of the City of Barnesville and the City of Milner. The supervisor of elections shall generally direct and control the administration of elections and voter registration in Lamar County and the holding of any municipal primary or election to be conducted within the City of Barnesville and the City of Milner and shall generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The supervisor of elections shall be supervised by the board and shall be subject to removal from office by the board, with or without cause. The supervisor of elections shall not be a member of the board

1 nor an elected official. The election supervisor shall be considered an employee of Lamar
2 County and shall be entitled to the same benefits as other employees of Lamar County.

3 (b) The board is authorized to employ additional clerical assistants as needed to carry out
4 the duties and functions of the board. All such clerical assistants shall be considered to be
5 employees of Lamar County and shall be entitled to the same benefits as other employees of
6 Lamar County.

7 (c) The election supervisor and the clerical assistants shall be under the exclusive control,
8 direction, and supervision of the board.

9 **SECTION 12.**

10 Compensation for the members of the board, election supervisor, clerical assistants, and other
11 employees shall be fixed by the governing authority of Lamar County. Such compensation
12 shall be paid proportionally from county funds and from municipal funds of the City of
13 Barnesville and the City of Milner.

14 **SECTION 13.**

15 The governing authority of Lamar County shall provide the board with such proper and
16 suitable offices, equipment, materials, and supplies and with such clerical assistance and
17 other employees as the governing authority of Lamar County deems appropriate.

18 **SECTION 14.**

19 This Act shall become effective upon its approval by the Governor or upon its becoming law
20 without such approval for purposes of making initial appointments to the board only. This
21 Act shall become fully effective on January 1, 2008. Upon this Act becoming fully effective,
22 the superintendent of elections of Lamar County, the board of registrars of Lamar County,
23 and the municipal election superintendents of the City of Barnesville and the City of Milner
24 shall be relieved of all powers and duties to which the board succeeds by the provisions of
25 this Act and shall deliver to the board all equipment, supplies, materials, books, papers,
26 records, and facilities pertaining to such powers and duties.

27 **SECTION 15.**

28 All laws and parts of laws in conflict with this Act are repealed.